

REMARKS

The last Office Action of March 24, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-10 are pending in the application. Claims 1-10 have been canceled. Claims 11-22 have been added. A total of 12 claims is now on file. No claim surcharge is due. No amendment to the specification has been made.

Applicant hereby certifies that neither the international application nor the designation of the United States was withdrawn or considered to be withdrawn prior to the filing date of the U.S. national (35 U.S.C. 111(a)) application.

It is further noted that claims 1, 3, 4 and 10 are rejected under 35 U.S.C. §112, first paragraph, because of containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-4, 7, 8 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,651,998 to Mayer (hereinafter: "Mayer").

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mayer.

It is noted with appreciation that claim 10 is indicated allowable if rewritten in independent form to overcome the rejection under 35 U.S.C. §112 and to include all of the limitations of the base claim and any intervening claims. However, applicant wishes to defer amendments to these dependent claims in view of the arguments presented below regarding new claim 11.

REJECTION OF CLAIMS 1, 3, 4 AND 10 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has canceled original claims 1 to 10 in favor of original claims 11-22, which are written in proper form and language and better encompass the full scope

and breadth of the invention. As a result of the cancellation of claims 1 to 10, the rejection under 35 U.S.C. §112, second paragraph becomes moot.

Withdrawal of the rejection of the claims 1, 3, 4 and 10 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION OF CLAIMS 1-4, 7, 8 AND 9 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY MAYER

In order to clearly distinguish the present invention from Mayer, applicant has cancelled claims 1-10 and presented new claims 11-22. Claim 11 sets forth the elements of the airbag including the flap covering the airbag for retention of the airbag and connected to a connecting element. Upon deployment of the airbag, the flap connected to the interior paneling via the connecting element opens up and eventually draws the ruptured pieces of the interior paneling downward into the structural space and away from the deployment path of the airbag.

A flap as claimed as part of the invention is thus essential to the deployment action of the airbag construction.

The Examiner alleges that Mayer discloses a flap 4. However, this is incorrect since the "structure" 4 is a portion of the trim panel which includes a supporting layer and a decorative layer (col. 5, lines 3-6). The decorative layer is toward the inside of the passenger compartment indicating it to be rather like applicant's interior panel. Mayer does also not disclose a connecting element

While the Mayer reference discloses such an airbag construction, it does not disclose a separate flap for the retention of the airbag and its subsequent action. As such, the Mayer reference does not anticipate claim 11, nor the claims directly or indirectly dependent on claim 11.

With respect to claim 7 (new claim 14) the connecting element is rotatably fixed to the module by a hinge point. No such structural arrangement is disclosed in Mayer.

Withdrawal of the rejection of claims 1-4, 7, 8 and 9 under 35 U.S.C. §102(b) is thus respectfully requested.

**REJECTION OF CLAIMS 5 AND 6 UNDER 35 U.S.C. §103(a) AS BEING
UNPATENTABLE OVER MAYER**

The Examiner has now rejected the original claims 5 and 6 over Mayer. Based on the foregoing discussion regarding the Mayer reference, it is believed that new claims 17 and 18, which are dependent from claim 11 as now on file are clearly distinguishable over these two references. Claim 11 recites a flap for retaining the airbag in place and for subsequent action in connection with ruptured pieces of the interior panel.

The Mayer reference does not teach a flap for retaining the airbag. Mayer teaches a trim panel covering the airbag housing. The trim panel is made up of three layers that are foamed together and has portions with material weakenings similar to the material weakenings in the interior panel of applicant.

Clearly, there is no bag retention device taught by Mayer and nothing in Mayer points to a separate flap or the use for such.

Indeed there is a large open space between the trim panel and the folded airbag.

Furthermore, in Mayer when the traction strip pulls in the arrowed direction supposedly portions of the trim panel, specifically the support layer is supposed to rupture at the weakening points. However, even with the weakening points in only the support layer, how should the precise piece of support layer be removed from the trim panel which is "foamed together"? It seems inconceivable that only those pieces that are delineated by the weakening points should separate cleanly in a sudden trigger. This problem has been solved with the flap as in applicant's invention, where the flap and the flap mechanism mediate the removal of the ruptures interior panel pieces.

In addition, the capture chamber in Mayer is specifically noted as being secured separately from the housing as also seen in the drawings FIGS. 1-3. In contrast, the structural space is formed from the housing wall and the retaining device.

Claims 17 and 18 are not obvious in view of the distinguishing features of claim 11, regardless of the nature of their material.

Since claims 17 and 18 depend from claim 11 and share the patentable features thereof, claims 17 and 18 are likewise distinguishable over the Mayer reference.

For the reasons set forth above, it is applicant's contention that Mayer does not teach or suggests the features of the present invention, as recited in claim 11, 17 and 18.

Withdrawal of the rejection of claims 17 and 18 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses an airbag construction with a flap retaining the airbag and acting on the ruptured panel pieces as claimed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be

helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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